

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SEMAJ CARTER,

Plaintiff,

v.

FNU LEFEVERE, et al.,

Defendants.

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Civil Action No. 21-415
Judge Nora Barry Fischer
Magistrate Judge Patricia L. Dodge

ORDER OF COURT

AND NOW, this 26th day of May, 2022, after Plaintiff Semaj Carter filed a Second Amended Complaint in the above-captioned matter, (Docket No. [22]), Defendant FNU Lefevere responded with a Motion to Dismiss for Failure to State a Claim, (Docket No. [23]), Carter opposed the Motion to Dismiss, (Docket No. [26]), United States Magistrate Judge Patricia L. Dodge issued a Report and Recommendation on April 25, 2022 recommending that Lefevere's Motion to Dismiss be denied because Carter alleged sufficient facts to set forth a plausible Fourteenth Amendment Equal Protection claim against Lefevere at Count III in the Second Amended Complaint, (Docket No. [27]), Lefevere filed his Objections to the Report and Recommendation, (Docket No. [28]), Carter did not respond to Lefevere's Objections within 14 days of the receipt of same, and upon independent review of the record and consideration of the Magistrate Judge's Report and Recommendation,

IT IS HEREBY ORDERED that Lefevere's Objections to the Report and Recommendation [27] are OVERRULED;

IT IS FURTHER ORDERED that the Report and Recommendation [27] is ADOPTED in its entirety as the Opinion of the Court, as the Court agrees with the Magistrate Judge that Carter has set forth a plausible claim for relief for his Fourteenth Amendment Equal Protection Claim, *see Mack v. Warden Loretto FCI*, 839 F.3d 286, 305-06 (3d Cir. 2016); and

FINALLY, IT IS ORDERED that this matter is referred back to U.S. Magistrate Judge Dodge for further pretrial proceedings.

s/Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

cc/ecf:

United States Magistrate Judge Patricia L. Dodge
All counsel of record